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Attorney for Plaintiff Deli B. Flores

DELI B. FLORES

Plaintiff

vs.

THE UNION CITY BOARD OF EDUCATION,
JUSTIN MERCADO (personally and in his capacity
as a an employee if the Union City Board of
Education), ALICIA MOREJON, MERCEDES
JOAQUIN (personally and in her capacity as Board
of Education Director of Community Relations),
JOHN DOES 1-99

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY

DOCKET NO.:

CIVIL ACTION

COMPLAINT

Plaintiff Deli B. Flores, in the City of Union City, County of Hudson and State of New Jersey by way of complaint against the above referenced defendants states the following:

BACKGROUND FACTS

1. Ms. Deli B. Flores is well known Pastor in the City of Union City and the surrounding areas. Ms. Flores has established herself in the community work helping people addicted to alcohol drugs, and helping those victimized by domestic violence.

2. In or about 2004 through her community involvement Plaintiff met Brian P. Stack, the Mayor of the City of Union City. Brian Stack met Deli Flores at a Hudson County Clergy meeting and urged Deli Flores to call him personally.

3. After various meetings attended by both Brian P. Stack and Deli Flores at the Hudson County Clergy meetings, Brian Stack contacted Deli Flores and offered her employment. This occurred in or about November 2005.

4. Thereafter, Ms. Deli Flores was contacted by someone in the Union City Board of Education and was told to report there for work.

5. As soon as Deli Flores went to the Union City Board of Education, she was congratulated by former Union City Commissioner Irizarry and she was immediately employed as a Teacher's Aide.

6. Ms. Deli Flores started officially working as a parttime employee for the Union City Board of Education on December 5, 2005.

7. At the time that Plaintiff commenced working for the Union City Board of Education she was a student at Farleigh Dickinson University and had advised Brian Stack of same. Plaintiff had not obtained sufficient credits to become a fulltime employee.

8. In or about 2006 at the conclusion of a religious service and after the members of her congregation had left Pastor Deli B. Flores was approached by Mayor Brian P. Stack.

9. Mayor Brian P. Stack proceeded to grab the Pastor and pull attempted to kiss her, he also used his hands to feel her body, attempted to remove her underwear, touching her breasts and other parts of her female anatomy. As he pressed his body closer to her she felt his erect penis pushing up against her.

10. Struck by panic and fear she began pushing him away, screaming, kicking, slapping and scratching at him. Not only was she afraid of his unwarranted and uninvited sexual violation of her person but she was incensed and offended that Mayor Brian P. Stack, a man she held in such high regard would take advantage of her and further desecrate a religious center.

11. After a considerable struggle against Mayor Brian P. Stack she was able to avoid further defilement of her person and of what to her and her congregation was a Holy structure.

12. After that incident, Mayor Stack stopped calling the Mayor, but Plaintiff continued to receive calls from volunteers asking the Plaintiff to pass out political literature.

13. In or about 2010, Plaintiff went to the Board of Education to obtain fulltime employment as an Aide.

14. Plaintiff was advised that she needed 60 credits to become a fulltime employee of the Union City Board of Education.

15. In or about 2014, Plaintiff applied for fulltime employment as she obtained over 60 credits. She was advised by the Superintendent that she would be given fulltime employment and she took her to the Human Resources Department to complete the paperwork.

16. Thereafter, Plaintiff did not hear from the Board of Education again. When Plaintiff inquired as to the status of her application she was advised to speak to the Mayor directly.

17. Plaintiff was advised that the Mayor gives the positions not the Superintendent.

18. In or about 2015, Plaintiff met with the Mayor and showed the Mayor her credits, and asked the Mayor about her position. The Mayor advised her directly that the Superintendent does not give out the jobs, he does.

19. In November 2018, Plaintiff reposted commentary that is negative to Brian Stack on her Facebook Page and has actively spoken out against Brian Stack.

20. After the posting, Ms. Teresita Diaz, the school director contacted the Plaintiff and advised her that her calendar was going to change significantly.

21. Two weeks later on November 17, 2018, Justin Mercado came up to Plaintiff and advised the Plaintiff that he was there on behalf of the Mayor, the Board of Education and himself, and

that any attacks on the Mayor were attacks on him and the Board, and wanted to know why the comment was on Facebook.

22. After the meeting with Mercado, Plaintiff was no longer invited to the Hudson County Clergy meetings.

23. After the meeting with Mercado, Plaintiff's schedule was made very difficult and she was transferred from multiple classrooms, which was contrary to everything that was done before in her employment with the Board.

24. Plaintiff then went to Ms. Diaz and the vice principal and advised them that she wanted the intimidation to stop, and was advised not to worry about the transfers anymore.

25. On or about March 27, 2019 a well-known Political Operative for both Mayor Brian P. Stack's Political Organization and his Civic Organization Ms. Alicia Morejon approached Pastor Flores and became verbally abusive towards her for her decision to not become political or personally involved with Mayor Brian P. Stack. This was not the first time Mr. Morejon had done this to Pastor Flores.

26. In that conversation, Morejon advised Flores that she should just quit, and further advised her that her role with the Clergy Organization had been terminated by the Mayor himself.

27. Based upon information and belief, people who commenced working after Plaintiff and with less credentials have been given full time employment.

28. Based upon information and belief, the only reason Plaintiff is not given fulltime employment is because she is outspoken against the Mayor and has expressed displeasure with the Mayor in the past.

29. Based upon information and belief, the reason Plaintiff is not given fulltime employment is because she does not conduct political activity for the Mayor. Specifically in 2015, the Mayor

advised Plaintiff that if she did not conduct political activity he would not help her obtain a promotion.

30. The actions of the Mayor and the Board of Education are an ongoing issue, where retaliation, non-promotion, and harassment are conducted where political patronage is not practiced.

31. Upon information and belief Mercedes Joaquin is the paramour of Brian Stack.

32. Mercedes Joaquin is also the Director of Community Affairs for the Union City Board of Education.

33. On October 24, 2019, the Board of Education held a public event for Breast Cancer Awareness, which was sponsored by Mercedes Joaquin.

34. Plaintiff attended the Board of Education Breast Cancer Awareness event.

35. At the event, Plaintiff was recording the event for Facebook Live.

36. While the Plaintiff was recording the event, Mercedes Joaquin, grabbed Plaintiff by the arm and inserted her nails into her arm and advised her to “be careful with what she is doing.”

After Mercedes Joaquin grabbed her arm, Ms. Diaz, the director of the Colin Powers School

FIRST COUNT
(POLITICAL RETALIATION
VIOLATION OF NEW JERSEY CIVIL RIGHTS ACT)

1. The Plaintiff, Deli B. Flores, repeats and reiterates all of the statements and allegations told the Plaintiff to leave the event as she was not wanted at the event.

FIRST COUNT
(POLITICAL RETALIATION
VIOLATION OF NEW JERSEY CIVIL RIGHTS ACT)

2. The Plaintiff, Deli B. Flores, repeats and reiterates all of the statements and allegations as set forth in the Background statement of this Complaint as if set forth herein verbatim and at length.

3. Plaintiff Deli B. Flores was turned down for promotion by the Board of Education as retaliation and at the insistence of Mayor Brian P. Stack for her outright rejection of political patronage to Brian Stack and his organizations.

4. Plaintiff has a right to support or not support any candidate of her choosing, and her promotions should not be based on her political support.

5. The actions of the Defendants in attempting to compel and coerce the Plaintiff to distribute fliers, provide donations, and to end her negative commentary of Mayor Stack are violations of the Plaintiff's right to support whomever she chooses.

6. As a direct and proximate result of the Plaintiff not supporting the Mayor of Union City, the Plaintiff has been denied full time employment by the Defendants.

7. Defendants' actions constitute a violation of the New Jersey Civil Rights Act.

8. At all times herein the Defendants were acting under the color of law as they were municipal employees.

SECOND COUNT
(INTENTIONAL ASSAULT AGAINST MERCEDES JOAQUIN IN HER
PERSONAL CAPACITY)

9. The Plaintiff, Deli B. Flores, repeats and reiterates all of the statements and allegations

10. Mercedes Joaquin grabbed Deli Flores and inserted her nails into her arms causing injury to the Plaintiff.

11. Plaintiff suffered physical and emotional injuries as a result of having Joaquin insert her nails into her arm.

12. Plaintiff was hospitalized as a result of the incident.

13. Joaquin has caused injury to the Plaintiff.

WHEREFORE, Plaintiff demands judgment against the Defendant for:

1. Compensatory Damages;
2. Punitive Damages;
3. Injunctive Relief Promoting Plaintiff to a Full Time Employee;
4. Court Costs;
5. Legal Fees;
6. Any other relief the Court finds just and equitable.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to R.4:25-3, Mario M. Blanch, ESQ., is hereby designated Trial Counsel.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to R. 4:10-2(b), demand is hereby made that all insurance policies be turned over.

DEMAND FOR PRODUCTION OF DOCUMENTS

Pursuant to R. 4:18-1, demand is hereby made that the defendant(s) produce the below listed documents and/or items for purposes of discovery; said material are to be produced within the time prescribed by the New Jersey Court Rules at days at the Law Offices of Mario M. Blanch, 440 65th Street, Suite 1, West New York, New Jersey, 07093:

1. Any and all documents you intent to use at trial, whether same be an exhibit or whether same is intended to be moved into evidence.

This request is deemed to be continuing in that any documents, photographs, statements, reports or other tangible things secured subsequent to the date herein for the production of same are to be provided by a party's counsel within thirty (30) days from their receipt.

CERTIFICATION

I hereby certify that to the best of my knowledge the within action is not presently the subject of any other action pending in any court or arbitration proceeding, nor is any such action or arbitration contemplated.

MARIO M. BLANCH, ESQ.
Attorney for Plaintiff

By: /s/ Mario M. Blanch, Esq.
Mario M. Blanch, Esq.

Dated: 10/28/2019

CERTIFICATION PURSUANT TO R. 1:38-7

I certify that the confidential personal identifiers have been redacted from the documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b)

MARIO M. BLANCH, ESQ.
Attorney for Plaintiff

By: /s/ Mario M. Blanch, Esq.
Mario M. Blanch, Esq.

Dated: 10/28/2019

JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable.

MARIO M. BLANCH, ESQ.
Attorney for Plaintiff

By: /s/ Mario M. Blanch, Esq.
Mario M. Blanch, Esq.

Dated: 10/28/2019

